

**IN THE PIKE COUNTY COURT OF PIKE COUNTY, OHIO**

**STATE OF OHIO**

**VS.**

**SEARCH WARRANT**

Derek Myers

**CASE NO.** \_\_\_\_\_

**STATE OF OHIO**

**SS.**

**PIKE COUNTY**

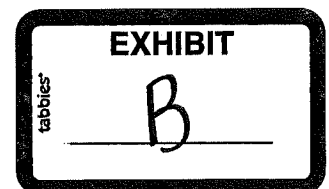
**TO: TRACY EVANS SHERIFF OF PIKE COUNTY and ANY LAW ENFORCEMENT  
OFFICER/EMPLOYEES OF THE OHIO BUREAU OF CRIMINAL IDENTIFICATION AND  
INVESTIGATION**

**As Judge of the above Court of record, I hereby command you to search within the  
jurisdiction of this Court in Pike County, Ohio, within three days the:**

**Property which is subject to search and seizure, to-wit:** Any and all electronically stored data for the item to be searched as described below, including but not limited to: memory storage devices contained within the item to be searched including SIM card memory storage; the voicemail system messages, all messages including but not limited to text, voice, and multimedia, excess numbers and contacts, stored passwords, telephone and address directories, call and message logs, notes, photos and or videos, memorandums, and correspondence relating to the operation of the electronic equipment or other media or software listed herein, any electronic or voice mail systems, applications contained within the device including social media apps including but not limited to Facebook, Instagram, Twitter, Snapchat, all of which the affiant believes contains evidence of interception of wire, oral, or electronic communications. Affiant recognizes that some of the above-described property is data that will be contained on electronic and machine-readable media which is not readable by the Affiant and authorized officials assisting in the search in its present state. Authorization is given to these persons including but not limited to the agents and employees of the Pike County Sheriff's Office, Pike County Prosecutor's Office, Ohio Bureau of Criminal Identification and Investigation, to seize, listen to, read, review, copy, photograph, log, and maintain the above-described property and to convert it to a cd for review. Authorization is given to make compact disc copies or recordings of this data in order to preserve and to protect the information and to thereafter seize, read, listen to, copy, and maintain the described property.

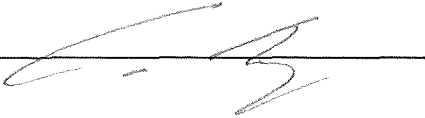
**Person and/or place of:** Memory storage located in/on a cell phone, being a black and silver color Apple Iphone in a black Otterbox brand case (more fully show in exhibit A).

**The offense in relation thereto is a violation of the following sections of the Ohio Revised  
Code:** Interception of wire, oral, or electronic communications (ORC 2933.52)



I find, from Affidavit (s) sworn to before a Judge of a court of record, that grounds exist  
For issuing this warrant, to-wit: probable cause to search, thus you shall diligently search  
the above person and/or place for the said property, and you shall make prompt return of  
this warrant accompanied by an inventory of any  
property taken to and grant an exception to the three-day rule.

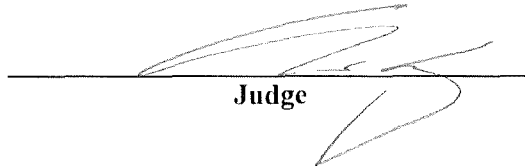
Judge



This warrant is requested by the State of Ohio. It shall be executed and the reasonable cause being  
shown, if nighttime search, to wit: Note: A nighttime search is not requested.

Date: 11-02-22

Judge



Time: 1214

## EXHIBIT A



STATE OF OHIO

VS.

**AFFIDAVIT  
FOR SEARCH WARRANT**

Derek Myers.

**CASE NO.** \_\_\_\_\_

STATE OF OHIO

SS.

PIKE COUNTY

**The undersigned (“affiant” herein), being duly sworn before the undersigned judge of this court of record, says that affiant has reason to believe that within the jurisdiction of this Court in Pike County, Ohio, there is now being concealed on the property which is subject to search and seizure to wit:**

**Property which is subject to search and seizure, to-wit:** Any and all electronically stored data for the item to be searched as described below, including but not limited to: memory storage devices contained within the item to be searched including SIM card memory storage; the voicemail system messages, all messages including but not limited to text, voice, and multimedia, excess numbers and contacts, stored passwords, telephone and address directories, call and message logs, notes, photos and or videos, memorandums, and correspondence relating to the operation of the electronic equipment or other media or software listed herein, any electronic or voice mail systems, applications contained within the device including social media apps including but not limited to Facebook, Instagram, Twitter, Snapchat, all of which the affiant believes contains evidence of interception of wire, oral, or electronic communications. Affiant recognizes that some of the above-described property is data that will be contained on electronic and machine-readable media which is not readable by the Affiant and authorized officials assisting in the search in its present state. Authorization is given to these persons including but not limited to the agents and employees of the Pike County Prosecutor’s Office, the Pike County Sheriff’s Office and the Ohio Bureau of Criminal Identification and Investigation, to seize, listen to, read, review, copy, photograph, log, and maintain the above-described property and to convert it to a cd for review. Authorization is given to make compact disc copies or recordings of this data in order to preserve and to protect the information and to thereafter seize, read, listen to, copy, and maintain the described property.

**Person and/or place of:** Memory storage located in/on a cell phone, being a black and silver color Apple Iphone in a black Otterbox brand case (more fully show in exhibit A).

**The offense in relation thereto is a violation of the following sections of the Ohio Revised Code:** Interception of wire, oral, or electronic communications (ORC 2933.52)

**State of Ohio requests this Search Warrant. The factual basis for the affiant's above belief and, if all applicable, "reasonable cause" for a "nighttime" search is: Note: A nighttime search is not requested.**

**On Friday October 28, 2022, at around 1239 hours, affiant was advised that the website the Sciotovalleyguardian.com had posted an audio recording of the testimony of Edward Jacob Wagner, which had been surreptitiously recorded during the ongoing trial on George Washington Wagner, IV. This audio recording was also posted to the Facebook accounts of the Scioto Valley Guardian, and Derek Myers.**

**Presiding Judge Randy Deering of the Pike County Court of Common Pleas had ruled that any witness appearing in this trial could object to their testimony being audio or video recorded. Edward Jacob Wagner had stated prior to his testimony, that he did not want his testimony either audio or video recorded and signed a form for the Court asserting that. All media was apprised of this fact prior to his testimony beginning.**

**Additionally, the ability to record this specific witness, Edward Jacob Wagner, was specifically litigated pursuant to a motion filed by the media, of which Derek Myers was one of the parties represented. The Court ruled that there was no exception that would permit the media (or anyone) to record the testimony of Edward Jacob Wagner, as he was deemed a witness with the same right to object that any other witness would have, pursuant to the Ohio Supreme Court Rules of Superintendence. The Court's ruling was journalized September 9, 2022.**

**The audio recording that was surreptitiously made of the testimony of Edward Jacob Wagner and posted on websites and Facebook accounts owned and run by Derek Myers appears to have been recorded during Edward Jacob Wagner's testimony during one of the days of October 24, 25, or 26, 2022. Derek Myers was seen in the Pike County Court of Common Pleas during this time frame.**

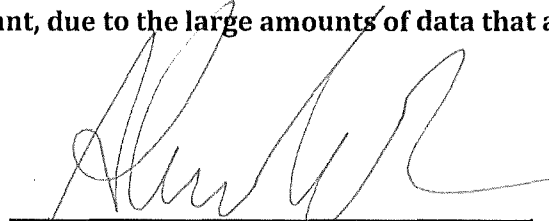
**The cellular phone that is the subject of this warrant appears to be the one used by Derek Myers with the Scioto Valley Guardian website, and he has been seen with what appears to be this cellular phone, the Apple Iphone in his possession multiple times at the Pike County Court of Common Pleas.**

**Affiant has probable cause to believe and does believe that Derek Myers is involved in the interception of wire, oral, or electronic communications in violation of ORC 2933.52, and that Derek Myers used his electronic devices such as the grey and silver Apple Iphone that is the subject of this search warrant and shown in Exhibit A to record and/or transmit an audio**

recording of Edward Jacob Wagner during his testimony in the trial of George Washington Wagner, IV.


The information in this search warrant and affidavit is true to the best of affiant's knowledge and belief.

Affiant also requests an exception to the three-day rule to allow the available agency time to examine and execute this search warrant, due to the large amounts of data that are stored on modern cellular phones.

  
\_\_\_\_\_  
Applicant/Affiant

Sworn to by, affiant Alan Wheeler, Investigator for the Pike County Prosecutor and Detective with the Pike County Sheriff's Office before me and in my presence on the

24 day of, November 2022

  
\_\_\_\_\_  
Judge  
1214 Time